

NO. OF SPECIALS

LANCASTER, NEW YORK NOVEMBER 4, 1974

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York, on the 4th day of November, 1974 at 8:00 P.M. and there were

PRESENT:

JOSEPH R. BARNHARDT, COUNCILMAN EDWARD A. BERENT, COUNCILMAN PETER J. BOLENDER, COUNCILMAN

ARTEL J. METZ, COUNCILMAN

ABSENT:

NONE

ALSO PRESENT:

ROBERT P. THILL, TOWN CLERK

DOMINIC J. TERRANOVA, TOWN ATTORNEY

TIMOTHY J. DWAN, DEPUTY TOWN ATTORNEY

EDWARD J. FERON, JR., TOWN ENGINEER

JOHN F. LUME, HIGHWAY SUPERINTENDENT

VICTOR H. OTT, POLICE CHIEF

OFFICIAL REPORTS:

Mr. Howard Benzel, Executive Secretary of the Town of Lancaster Industrial Development Agency, formally presented to Supervisor Weimer and the Town Board Members first copies of a recently completed and printed industrial development brochure entitled "Lancaster Means Business".

The Town Clerk reported that the following departments of the Town of Lancaster have filed with him their Monthly Reports as follows:

DEPARTMENT

MONTH OR MONTHS OF

Town Clerk

October, 1974

Building Inspector

October, 1974

The Town Clerk reported that the following Board of the Town of Lancaster has filed with him minutes of their meeting as follows:

Planning Board

Meeting #17 October 2, 1974

COMMITTEE REPORTS:

Councilman Berent, for the Fire Committee, reported that his Committee will be meeting with the fire companies on Friday, November 8, 1974, for the purpose of discussing fire renewal contracts.

PRESENTATION OF RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BARNHARDT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BERENT, TO WIT:

RESOLVED that the minutes of the Regular Meeting of the Town Board held on October 14, 1974, and the minutes of the Special Meeting of the Town Board held on October 28, 1974, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foragoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BOLENDER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN METZ, TO WIT:

WHEREAS, the Town Accountants have advised that the Federal Revenue Sharing Fund was not included in the 1974 Town of Lancaster General Fund Budget,

NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the New York State Uniform System of Accounts, the following budgetary accounts for the Federal Revenue Sharing Fund for the year 1974 be adopted as follows:

Account Number	<u>Account</u>	<u>Amount</u>
CF2401 CF4001	Interest Earnings Federal Revenue Sharing Total Estimated Revenues Appropriated Fund Balance	\$ 12,000.00 192,000.00 204,000.00 44,000.00
		\$ 248,000.00
CF1670 CF9550.9	Advertising Transfer to Capital Fund -	\$ 1,000.00
	Library	247,000.00
		\$ 248,000.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
COUNCILMAN METZ VOTED YES
SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BERENT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BARNHARDT TO WIT:

WHEREAS, by resolution of July 22, 1974, the Town Board of the Town of Lancaster appointed Frank S. Muscarella to a permanent position of Youth Counselor in the Town of Lancaster Youth Bureau, effective July 23, 1974, and

WHEREAS, The Erie County Department of Personnel has advised that such appointment should have been on a provisional basis pending outcome of the Civil Service Examination applicable to said position,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby appoints Frank S. Muscarella to the position of Youth Counselor in the Town of Lancaster Youth Bureau on a provisional basis pending outcome of the Civil Service Examination applicable to said position and that said prior appointment be confirmed on said provisional basis, and

BE IT FURTHER

RESOLVED°, that the Town Board hereby waives the Town of Lancaster residency requirements relative to the position of Youth Counselor in the Town of Lancaster Youth Bureau only, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to take whatever personnel action required by the Erie County Department of Personnel, to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES COUNCILMAN BERENT VOTED YES COUNCILMAN BOLENDER VOTED YES SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN METZ, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BOLENDER, TO WIT:

WHEREAS, heretofore Herbert Laney and Clara Laney, his wife, granted an easement to the Town of Lancaster for the construction of a 12-inch vitrified tile storm water drain and appurtenances over and across a 10-foot wide portion of premises owned by said Herbert Laney and Clara Laney, said easement being required in connection with construction of the new Lancaster Branch Library, and

WHEREAS, said easement provided that any interruption of flow in drainage facilities caused by the construction of said storm water drain line would be corrected by the Town of Lancaster, and

WHEREAS, the Town Board of the Town of Lancaster has been advised that an interruption of flow in drainage facilities has been caused by said construction of storm water drain line, and

WHEREAS, Rudy Slazyk Plumbing and Heating, Inc., Plumbing Contractor for construction of the new Lancaster Branch Library, has submitted a proposal, dated October 2, 1974, for the remedying of the foregoing problem, and

WHEREAS, said proposal has been accepted by Herbert Laney and Clara Laney, pursuant to their letter of November 4, 1974,

NOW, THEREFORE, BE IT

RESOLVED, that Rudy Slazyk Plumbing and Heating, Inc., 1680 Clinton Street, Buffalo, New York, be and hereby is authorized and directed to relocate 70 feet of 6-inch storm sewer in accordance with its proposal of October 2, 1974, at a cost not to exceed \$672.00, and

BE IT FURTHER

RESOLVED, that the proper relocation of said 70 feet of 6-inch storm sewer in accordance with said proposal shall fulfill the obligation of the Town of Lancaster to the grantors of said easement in accordance with the terms thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHÂRDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

WHEREAS, the Town Board of the Town of Lancaster has been informed that Erwin 'Mike" Weber has completed fifty years of dedicated service to the people of this community as a volunteer fireman at all levels of firematic activity in the Town Line Volunteer Fire Department, Inc., and

WHEREAS, the impact of such devoted service over the span of a lifetime cannot be calculated, and

WHEREAS, the magnitude of such service by Erwin 'Mike' Weber to his fellow man should not, in the rush of private affairs, go unheralded,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster tender its sincere appreciation and thanks to Erwin "Mike" Weber upon the occasion of his anniversary of fifty years of dedicated and selfless firematic service to this community in all ranks and phases of membership in the Town Line Volunteer Fire Department, Inc. and the Town Board further extends to the said Erwin "Mike" Weber its sincere hope and expectation of many years of active life and service as an example to all of the people of this community, and

BE IT FURTHER

RESOLVED, that the original signed copy of this resolution be presented to Erwin 'Mike' Weber by Supervisor Weimer.

LANCASTER TOWN BOARD

Leo N. Weimer, Supervisor

J.R. Barnhardt Councilman

Edward A. Berent, Councilman

Peter J. Bolender, Councilman

Artel J. Metz, Councilman

Robert P. Thill, Town Clerk

Dominic J. Terranova, Town
Attorney

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BARNHARDT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BERENT, TO WIT:

WHEREAS, St. Adalbert's R.C. Church Society has petitioned the Town Board of the Town of Lancaster for a Special Use Permit for cemetery use of premises situate on the northwest corner of Broadway and Schwartz Road in the Town of Lancaster, and

WHEREAS, said petition has been referred to the Town Planning Board and Planning Consultant for report and recommendation,

NOW, THEREFORE, BE IT

RESOLVED, pursuant to the authority set forth in Article XXVI of Chapter 50 - Zoning - of the Code of the Town of Lancaster and pursuant to the Town Law of the State of New York, a public hearing on the petition of St. Adalbert's R.C. Church Society for a Special Use Permit for cemetery use of the following described premises:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being known as part of Lot 1, Section 4, Township 11, Range 6 of the Holland Land Company's Survey, and more particularly described as follows:

BEGINNING at the point of intersection of the northerly line of Broadway and the westerly line of Schwartz Road; proceeding thence north along the westerly line of Schwartz Road 231.27 feet to a point; thence easterly and parallel to the north line of Broadway 15.0 feet to a point; thence northerly along the westerly line of Schwartz Road 2203.72 feet to a point; thence westerly and parallel to the north line of Broadway 674.33 feet to a point; thence southerly 2440.54 feet to a point; thence easterly along the north line of Broadway 583 feet to a point; thence northeasterly 61.5 feet to the point or place of beginning,

Will be held by the Town Board of the Town of Lancaster at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 18th day of November, 1974, at 8:00 o'clock P.M., Eastern Standard Time, and that Notice of the time and place of such hearing be published on or before the 7th day of November, 1974, in the Lancaster Enterprise-Journal, the official newspaper, and be posted on the Town Bulletin Board; and that copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239-m of the General Municipal Law, which Notice shall be in the following form:

LEGAL NOTICE PUBLIC HEARING TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the authority set forth in Article XXVI of Chapter 50 - Zoning - of the Code of the Town of Lancaster and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 4th day of November, 1974, the said Town Board will hold a Public Hearing on the 18th day of November, 1974, at 8:00 o'clock P.M., Eastern Standard Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the petition of St. Adalbert's R.C. Church Society for a Special Use Permit for cemetery use of the following described premises:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being known as part of Lot 1, Section 4, Township 11, Range 6 of the Holland Land Company's Survey, and more particularly described as follows:

BEGINNING at the point of intersection of the northerly line of Broadway and the westerly line of Schwartz Road; proceeding thence north along the westerly line of Schwartz Road 231.27 feet to a point; thence easterly and parallel to the north line of Broadway 15.0 feet to a point; thence northerly along the westerly line of Schwartz Road 2203.72 feet to a point; thence westerly and parallel to the north line of Broadway 674.33 feet to a point; thence southerly 2440.54 feet to a point; thence easterly along the north line of Broadway 583 feet to a point; thence northeasterly 61.5 feet to the point or place of beginning.

The above parcel of real property is situate on the northwest corner of Broadway and Schwartz Road in the Town of Lancaster.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE TOWN OF LANCASTER

By:

ROBERT P. THILL Town Clerk

Dated: November 4, 1974

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES COUNCILMAN BERENT VOTED YES COUNCILMAN BOLENDER VOTED YES SUPERVISOR WEIMER VOTED YES

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BOLENDER , WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN METZ , TO WIT:

WHEREAS, the Office for Local Government held a Regional Management Conference on Thursday, October 31, 1974, at Rochester, New York, which was of particular interest to Town Board Members and Department Heads of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the attendance of those members of the Town Board and those Department Heads attending said New York State Office for Local Government Management Conference held at Rochester, New York, October 31, 1974, be and hereby is confirmed, with reimbursement for actual and necessary expenses.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
COUNCILMAN METZ VOTED YES

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VOTED

YES

The resolution was thereupon unanimously adopted.

SUPERVISOR WEIMER

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BERENT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BARNHARDT, TO WIT:

• WHEREAS, due to increased work load in the Office of the Town Justices of the Town of Lancaster, said Justices have requested authorization to appoint a Clerk-Typist, Part Time, in said Office, and

WHEREAS, Form P0-17 (New Position Duties Statement) has been filed with the Erie County Personnel Department and returned by said Department approving said position,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby creates the position of Clerk-Typist, Part Time, in the Office of the Town Justices of the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that the appointment of Janet Mrozek, 15 Benson Drive, Lancaster, New York, as Clerk-Typist, Part Time, effective October 7, 1974, to work no more than fifteen (15) hours per week at a salary of \$2.50 per hour, be and hereby is confirmed, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster file the necessary personnel forms to accomplish the foregoing with the Personnel Officer of the County of Erie.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES COUNCILMAN BERENT VOTED YES COUNCILMAN BOLENDER VOTED YES COUNCILMAN METZ VOTED YES SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted. November 4, 1974

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BARNHARDT, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BERENT.

TO WIT:

WHEREAS, the Insurance Committee of the Town Board and the Insurance Advisory Committee of the Town of Lancaster, after much study and deliberation, have recommended to the Town Board that the insurance requirements of the Town of Lancaster will be best served by contracting for same after public bid, and

WHEREAS, said bodies have further recommended the retention of an insurance Advisor to review present insurance policies, analyze insurance needs of the Town of Lancaster, draw bid specifications and documents, tabulate, review and report concerning bids received, make recommendations to the Town Board relative thereto, review finally tendered insurance contracts and certify conformance of same with the bid specifications, and

WHEREAS, the Town Board deems the foregoing action in the public interest of the Town of Lancaster, and

WHEREAS, the Insurance Committee of the Town Board has investigated and interviewed prospective insurance advisors and have recommended the firm of Stanton & Ryan, Inc. as Insurance Advisors qualified and capable to accomplish the foregoing, including the providing of annual consulting and advisory services,

NOW, THEREFORE, BE IT

RESOLVED, that the insurance firm of Stanton & Ryan, Inc. of 1299
Union Road, West Seneca, New York, be and hereby is retained as follows:

- 1. As Insurance Advisors, in accordance with its letter of October 11, 1974, review present insurance policies, analyze insurance needs of the Town of Lancaster, draw bid specifications and documents, tabulate, review and report concerning bids received, make recommendations to the Town Board relative thereto, review finally tendered insurance contracts and certify conformance of same with the bid specifications, for a fee of \$1200.00 for said services, to be paid upon satisfactory completion thereof.
- To retain the insurance firm of Stanton & Ryan, Inc. on an annual basis, commencing January 1, 1975, to act as liaison between the insurance company or companies, the writing agent and the Town Board and/or delegated Department Head and to check

endorsements, audits, renewal policies, review meetings of the Town Board and other public actions of the various Department Heads of the Town of Lancaster to ascertain the on-going insurance needs of the Town of Lancaster and to make recommendations regarding such insurance needs in order to best protect the property of the Town of Lancaster, at an annual fee of \$750.00 to be paid quarterly upon presentation of properly audited voucher.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN METZ, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN BOLENDER, TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of Building Permits be and are hereby authorized:

NO.	<u>NAME</u>	<u>ADDRESS</u>	STRUCTURE
123	Scott Aviation	Walden and Cemetery	ER. STL. STRG. BLDG.
124	Gerald Hanny	3524 Walden Avenue	REP. 3 STL. IN GROUND TANKS
125	Thomas Johnson	Broadway & Schwartz	ER. WALL - CEMETERY -
126	Albert Herrmann	5587 Genesee St.	EX. FR. SING. DWLG.
127	Jeffrey Kahler	9 Daniel Drive	EX. FR. SING. DWLG.
128	F.B.C. Corporation	4111 Walden Avenue	REB. 2 GAS TANKS
129	Edward Haniszewski	911 Ransom Road	ER. FR. PVT. GAR.
130	Ralph Marquart	528 Town Line Road	ER. PRE-FAB PVT. GAR.
131	Felix Ziemba	6705 Transit Road	ER. FR. CARPORT
132	Thomas Kerl	110 Cemetery Road	ER. CHAIN LINK FENCE

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
COUNCILMAN METZ VOTED YES
SUPERVISOR WEIMER VOTED YES

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The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN BOLENDER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN METZ, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts:

ACCOUNT	<u>(</u>	ORDER N	<u>UMBER</u>	TOTAL AMOUNT
General Funds	No. 1	122 to	1177 Incl.	\$ 142,416.58
Special District Fund	s No.	85 to	87 Incl.	\$ 299.42
Part Town Funds	No.	91 to	98 Incl.	\$ 11,491.05
Highway Funds	No.	244 to	255 Incl.	\$ 16,061.33
Capital Fund	No.	35 to	37 Incl.	\$ 17,375.80

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
COUNCILMAN METZ VOTED YES
SUPERVISOR WEIMER VOTED YES

XXMB

The resolution was thereupon unanimously adopted.

STATUS REPORTS ON UNFINISHED BUSINESS:

1. Signalization - Walden and Ransom

Councilman Berent reported on November 4, 1974 that parts and materials necessary for the installation of this signal are on order and that further progress awaits receipt of the necessary materials.

2. Reduced Speed Limit - Seneca Place

On October 16, 1974 the New York State Department of Transportation denied the Towns request for consideration of a lower speed limit on Seneca Place.

The Town Clerk was directed to remove this item from the future . Agendas of the Town Board.

3. Special Cemetery Use Permit - St. Adalbert's R. C. Church

On November 4, 1974 the Town Board set a Public Hearing on this matter for Monday, November 18, 1974.

PERSONS ADDRESSING THE TOWN BOARD:

Mr. Boyd Davis, 63 Briarwood, Lancaster, New York, asked the Town Board if their action tonight in retaining an insurance consultant was an indication that the Town is going to public bid on their insurance requirements.

Councilman Barnhardt indicated that the Town is going to public bid.

R & F

COMMUNICATIONS:

- 312. Town Clerk to Town Board Resume of actions taken in response to
 resolutions and directives Meeting of
 October 14, 1974.
- 313. President LVAC to Town Board Notification Resignation of Edward
 Huber effective September 23, 1974.
- 314. Regional Taffic Engineer, N.Y.S. Dept. of Transportation to Town Clerk Re: Investigation Extension of 30 m.p.h. speed limit in Kennedy Court Subdivision; denial of Seneca Place speed reduction request.
- 315. Secretary, Town Planning Board to Town Clerk Recommendation Approval of Special Use Permit St. Adalberts R. C. Cemetery.
- 316. N.Y.S. Dept. of Transportation to Mayor Potter Re: Speed restrictions along Walden Avenue.
- 317. Director of Planning and Operations Facilities Development Corporation to
 Supervisor Weimer Notification Use of facilities for
 design and construction of
 correctional facilities in the
 community.
- 318. State Board of Equalization and
 Assessment to Supervisor Notification Certificate of Final
 Special Franchise Assessments.
- 319. Erie & Niagara Counties Regional Planning Board to Regional Officials and Citizens of Erie & Niagara Counties -Transmittal - Document entitled "Community Development Controls: Handbook 1".
- 320. Lancaster Village Clerk to Town Board Thank you for bearing installation
 and monthly rental charges of "911"
 Emergency Telephone Service.
- 321. State Traffic Safety Council to Supervisor Re: Six (6) Regional Traffic Engineering Seminars on Revised N.Y.S. Manual of Uniform Traffic Control Devices.
- 322. Grever & Ward, Inc. to Town Board Re: Reconditioning of Tennis Courts Lancaster Town Park.
- 323. Supervisor to Town Board Investment of \$100,000.00 at M & T
 Trust Co. on October 31, 1974 for
 total dollar earning of \$1,425.00.

R & F
Police Chief
Mr. & Mrs. John Mikul
R & F
Police Chief
R & F
R&F
Assessor Receiver of Taxes
Supervisor
Plan. Brd. Chairman
R & F
R & F
Highway Supt. Police Chief
Police Committee
<u>u </u>
Recreation Committee
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ADJOURNMENT:

ON MOTION OF SUPERVISOR WEIMER, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 8:25 P.M. out of respect to:

MICHAEL C. LESZCZYNSKI

Signed _ No

Robert P. Thill, Town Clerk